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ROBERT RUNDO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT RUNDO,

Defendant.

Case No. CR 18-759-CJC

UNOPPOSED *EX PARTE*
APPLICATION TO FILE UNDER
SEAL MOTION & EXHIBITS A
THROUGH R, EXHIBITS KK, LL,
MM, NN, OO AND TT TO
DEFENDANT ROBERT RUNDO'S
MOTION TO DISMISS FOR
SELECTIVE PROSECUTION;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION
OF COUNSEL

1 Robert Rundo, through his counsel of record, Deputy Federal Public Defenders
2 Julia Deixler and Erin M. Murphy, hereby applies *ex parte* to this Court for an order that
3 Exhibits A through R, and Exhibits KK, LL, MM, NN, OO, and TT to Defendant Robert
4 Rundo’s Motion to Dismiss for Selective Prosecution” and an unredacted copy of the
5 Motion to Dismiss for Selective Prosecution, which are lodged herewith, be filed under
6 seal.

7
8 Respectfully submitted,

9 CUAUHTEMOC ORTEGA
10 Federal Public Defender

11 DATED: January 15, 2024

By /s/ Erin M. Murphy

12 ERIN M. MURPHY
13 JULIA DEIXLER
14 Deputy Federal Public Defenders
15 Attorneys for ROBERT RUNDO
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MEMORANDUM OF POINTS AND AUTHORITIES

A court has supervisory powers over its records and files to seal documents under appropriate circumstances. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987). Federal Rule of Criminal Procedure 49.1 provides that a party may request that documents be filed under seal.

Mr. Rundo is seeking to file exhibits to his Motion to Dismiss for Selective Prosecution (“Motion”) under seal, as well as the Motion itself. The exhibits contain materials that are subject to the protective order, which restricts the filing of those materials, and any reference to those materials in pleadings. (*See* Prot. Order, ECF No. 75 at 5, ¶5.) Accordingly, Mr. Rundo seeks to present Exhibits A through R, and Exhibits KK, LL, MM, NN, OO, and TT to Defendant Robert Rundo’s Motion to Dismiss for Selective Prosecution this Court under seal. Additionally, Mr. Rundo seeks to file an unredacted version of the Motion under seal. The defense will file a redacted version of the Motion on the public docket.

The government does not oppose this request.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: January 15, 2024

By /s/ Erin M. Murphy

ERIN M. MURPHY
JULIA DEIXLER
Deputy Federal Public Defenders
Attorneys for ROBERT RUNDO

DECLARATION OF ERIN MURPHY

I, Erin Murphy, hereby state and declare as follows:

1. I am an attorney in the Office of the Federal Public Defender in the Central District of California appointed to represent defendant Robert Rundo in *United States v. Robert Rundo, et al.*, 18-CR-759-CJC.

2. The documents lodged herewith, Exhibits A through R, and Exhibits KK, LL, MM, NN, OO, and TT to Defendant Robert Rundo's Motion to Dismiss for Selective Prosecution ("Motion") contain materials produced in discovery that are subject to the protective order entered in this case. Accordingly, I seek to file these exhibits under seal. The Motion itself refers to information contained in these exhibits. Consistent with the protective order in this case, I seek permission to file an unredacted version of the Motion itself under seal. I will file a redacted version of the Motion on the public docket.

3. The government has no opposition to this *ex parte* application.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: January 15, 2024

/s/ Erin M. Murphy

ERIN M. MURPHY

Deputy Federal Public Defender